



02-01-10

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: John L. Schenk,  
George E. Seidel and Tae Kwang Suh  
**Application No.:** 10/523,268  
**Filed:** July 7, 2005  
**For:** Low Pressure Sperm Cell Separation System  
**Attorney Docket No.:** XY-lowPressure-USNP

**Confirmation No.:** 5591

**Group Art Unit:** 1632

**Examiner:** Noble, Marcia Stephens

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE UNDER 37 C.F.R. § 1.10 FOR "EXPRESS MAIL"**

Date of Deposit: January 29, 2010 Express Mail Label No.: EM316123527US  
I hereby certify that this document is being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Justin Ruth Miles

**REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS**

I, Juan Moreno, CEO of XY, Inc. being the assignee of record under §37 C.F.R. 3.71 of the entire interest in the above-identified application, hereby revoke all previous powers of attorney and appoint CR MILES, P.C. having its principal office at 405 Mason Court, Suite 119, Fort Collins, Colorado 80524 USA having Customer Number 88484 including Craig R. Miles and whose registration number before the United States Patent and Trademark Office is 45,954 as my attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office therewith. Please change the correspondence address for the above-identified application to the address associated with Customer Number 88484.

Dated this 25 day of January, 2010

By:

Juan Moreno, CEO  
XY, Inc.



JAN 29 2010

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PTO/SB/96 (07-09)

Approved for use through 07/31/2012 GMB 0551-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: John L. Schenk, George E. Seidel and Tae Kwang Suh

Application No./Patent No.: 10/523,268

Filed/Issue Date: July 7, 2005

Titled: Low Pressure Sperm Cell Separation System

XY, Inc. , a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest in;
2.  an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3.  the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above, by virtue of either:
  - A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy therefore is attached.
  - B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: John L. Schenk To: XY, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 016917 , Frame 0866 , or for which a copy thereof is attached.

2. From: Tae Kwang Suh To: XY, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 016840 , Frame 0381 , or for which a copy thereof is attached.

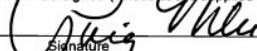
3. From: George E. Seidel To: Colorado State Univ. Research Foundation  
The document was recorded in the United States Patent and Trademark Office at  
Reel 016840 , Frame 0345 , or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet(s).

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

**[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]**

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature

Craig Miles

Printed or Typed Name

01/29/2010  
Date

Attorney of Record

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



## SUPPLEMENTAL SHEET TO STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: John L. Schenk, George E. Seidel and Tae Kwang Suh

Application No./Patent No.: 10/523,268

Filed/Issue Date: July 7, 2005

Titled: Low Pressure Sperm Cell Separation System

Name of Assignee: XY, Inc.

XY, Inc., a corporation states that it is the assignee of the entire right, title, and interest in the patent application/patent identified above, by virtue of a chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows (1 to 3 – see the Statement):

4. From: John L. Schenk

To: XY, Inc.

The document was recorded in the United States Patent and Trademark Office at Reel 017135, Frame 0224, or for which a copy thereof is attached.

5. From: Colorado State Univ. Research Foundation

To: XY, Inc.

The document was recorded in the United States Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

**COPY**

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UNITED STATES PATENT AND TRADEMARK OFFICE

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ASSIGNMENT OF PATENT RIGHTS

THIS ASSIGNMENT OF PATENT RIGHTS (hereinafter "Assignment") is made and entered into this 2<sup>nd</sup> day of January, 2010 between and among Colorado State University Research Foundation, P. O. Box 483, Fort Collins, CO 80522, a Colorado non-profit corporation (hereinafter "Assignor"), and XY, Inc., 1108 North Lemay Avenue, Fort Collins, CO 80524, a Colorado corporation (hereinafter "Assignee").

For good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, Assignor hereby sells and assigns to Assignee, its successors, assigns and legal representatives all Assignor's right, title and interest, in and for the United States of America, in and to the United States Letters Patents, Patent Cooperation Treaty Patent Applications designating the United States and United States Patent Applications along with all United States Letters Patents which may be granted therefor, and all divisions, reissues, continuations and extensions thereof, the said interest being the entire ownership of the said Letters Patent when granted, to be held and enjoyed by Assignee, its successors, assigns or other legal representatives, to the full end of the term for which said Letters Patents may be granted, as fully and entirely as the same would have been held and enjoyed by Assignor if this assignment and sale had not been made, as follows:

UNITED STATES NON-PROVISIONAL PATENT APPLICATION NOS.

1. U.S. Non-Provisional Application No. 10/523,268, filed January 31, 2005;
2. U.S. Non-Provisional Application No. 11/508,133, filed August 21, 2006;
3. U.S. Non-Provisional Application No. 11/536,492, filed September 28, 2006;
4. U.S. Non-Provisional Application No. 11/536,576, filed September 28, 2006;
5. U.S. Non-Provisional Application No. 11/613,605, filed December 20, 2006.

INTERNATIONAL PATENT COOPERATION TREATY PATENT APPLICATION NOS.

1. PCT/US2003/024460; filed August 1, 2003;

SIGNATURE:

Colorado State University Research Foundation

By: Todd Headley

Todd Headley  
Director of Technology Transfer

Date: 11-6-10

UNITED STATES OF AMERICA )  
STATE OF COLORADO )  
COUNTY OF LARIMER )

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Larimer, State of Colorado,  
United States of America, by Todd Headley, Director, Technology Transfer Office, Colorado State University  
Research Foundation, this 26<sup>th</sup> day of January, 2010.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of  
Colorado.



Cindy L. Headley  
Notary Public  
My Commission Expires July 9, 2013